

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

LINDA SMITH,

Plaintiff,

v.

SHELLPOINT MORTGAGE,

Defendant.

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Civil No. 4:20-cv-130-SDJ-KPJ

MEMORANDUM OPINION AND ORDER

Plaintiff Linda Smith (“Plaintiff”), proceeding *pro se*, filed suit on February 25, 2020, seeking a stay of the foreclosure sale on her home. *See* Dkt. 1. Defendant Shellpoint Mortgage (“Defendant”) filed Defendant’s Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) (the “Motion to Dismiss”) (Dkt. 5), on March 12, 2020. *See* Dkt. 5. A response to the Motion to Dismiss was due on March 26, 2020. *See id.* On April 2, 2020, the Court issued an Order Governing Proceedings (Dkt. 6), requiring Plaintiff and Defendant’s counsel to participate in a Rule 26(f) attorney conference by April 15, 2020, and appear for a telephonic Rule 16 Management Conference on May 7, 2020. While Plaintiff participated in the Rule 26(f) attorney conference and filed a Joint Report of Attorney Conference (Dkt. 7) with Defendant, Plaintiff failed to appear for the parties Rule 16 Management Conference on May 7, 2020. *See* Minute Entry on May 7, 2020. On May 8, 2020, the Court reset the parties’ Rule 16 Management Conference to June 25, 2020, and ordered Plaintiff to respond to Defendant’s Motion to Dismiss within fourteen days of receipt of the Court’s Order. *See* Dkt. 8. On May 15, 2020, the Court received Plaintiff’s Acknowledgment of Receipt of the Court’s May 8, 2020, Order. *See* Dkt. 9. On June 25, 2020, Plaintiff again failed

to appear for the parties' Rule 16 Management Conference. *See* Minute Entry on June 25, 2020.

To date, Plaintiff has failed to file a response to the Motion to Dismiss.

IT IS THEREFORE ORDERED that Plaintiff shall file a status report indicating why this matter should not be dismissed for want of prosecution **by August 5, 2020**, or within fourteen (14) days of receipt of this Order, whichever is later. Failure to timely file a status report will result in dismissal. If dismissal of the suit is satisfactory to Plaintiff, no further action is necessary.

The Clerk of Court is directed to mail this Order to Plaintiff as first-class mail with an acknowledgement card via certified mail.

So ORDERED and SIGNED this 8th day of July, 2020.

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON
UNITED STATES MAGISTRATE JUDGE